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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,203	12/28/2001	Katutada Shirai	Q67944	5387

7590 03/28/2003

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EXAMINER

NEGRON, ISMAEL

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,203

Applicant(s)

SHIRAI, KATUTADA

Examiner

Ismael Negron

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-12 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Headlamp for Automobile with Aiming Screw having Elastic Locking Portion.**

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds the maximum length of 150 words. Correction is required. See MPEP § 608.01(b).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-6 and 8-12 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S.



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Patent No. 6,315,438 (Shirai et al.). Although the conflicting claims are not identical, they are not patentably distinct from each other.

Shirai et al. claims a vehicle headlamp having:

- **a lamp body**, patented claim 1;
- **a light source**, patented claim 1;
- **a reflector positioned to reflect light from the light source**, patented claim 1;
- **an aiming mechanism disposed between the lamp body and the reflector**, patented claim 1;
- **the aiming mechanism being operable to inclinably support and move the reflector relative to the lamp body**, patented claim 1;
- **the aiming mechanism including a screw insertion hole provided to the lamp body**, patented claim 1;
- **the screw insertion hole having a cylindrical portion**, patented claim 1;
- **the aiming mechanism also including an aiming screw operable to move the reflector**, patented claim 1;
- **the aiming screw having a supported section supported by the screw insertion hole**, patented claim 1;
- **the aiming screw also having a male screw portion forward of the supported portion**, patented claim 1;



- **the aiming screw also having a pivotal movement operating force transmitted portion rearward of the supported portion, patented claim 1;**
- **a rearward of the supported portion also including an elastic locking portion operable to pas through the screw insertion hole, patented claim 1;**
- **a forward end side of the supported portion being formed with an elastic skirt brought into contact with a peripheral edge portion on a forward end of the screw supporting hole to fixedly position the aiming screw, patented claim 1;**
- **the elastic locking portion engaging the peripheral edge portion, patented claim 3;**
- **at least the supported portion being made of synthetic resin, patented claim 1;**
- **the cylindrical portion being made of synthetic resin, patented claim 1;**
- **the lamp body having a vessel shaped, patented claim 1;**
- **the screw insertion hole being formed integrally with the lamp body, patented claim 4; and**
- **the outer peripheral face of the supported portion having elastic waterproof ribs formed integrally thereon, patented claim 2.**

Shirai et al. discloses all the limitations of the claims, except the elastic locking portion being located at the forward end of the supported portion, the pivotal movement operating force transmitted portion rearward of the supported portion including a crown gear; and a nut for receiving the male thread part of the aiming screw.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the location of the elastic locking portion from the rear of the supported portion to its forward end, since it has been held that mere rearrangement or reversal of parts of a prior art structure involves only routine skill in the art. *In re Japikse*, 86 USPQ 70. Also see *In re Einstein*, 8 USPQ 167.

Regarding the pivotal movement operating force transmitted portion including a crown gear, it would have been an obvious matter of design choice to use such crown gear, since the applicant has not disclosed that such particular element solves any problem or is for a particular reason. It appears that the claimed invention would perform equally well with the structure as claimed by Shirai et al.. In addition, crown gears are old and well known in the art for actuating operation of aiming mechanisms such as those featured by the claimed invention. See Section 6 of the instant application.

Regarding the nut for receiving the male thread part of the claimed invention, it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made that such nut is inherently included in the patented invention, as the reflector can not be adjusted without it.

Allowable Subject Matter

4. Claims 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

Applicant teaches a vehicle headlamp including an aiming screw having an elastic locking portion being deformed elastically upon insertion into a screw supporting hole, such locking portion engaging a peripheral edge of the supporting hole to fixedly position the aiming screw. The aiming screw also includes a male thread portion. The locking mechanism includes a plurality of tongue pieces provided at equal intervals in a peripheral direction of the supported portion of the aiming screw.

Relevant Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shirai et al. (U.S. Pat. 5,678,915), **Burton** (U.S. Pat. 6,017,136) and **Matsubara** (U.S. Pat. 6,502,972) disclose vehicle headlamp having aiming screws with interlocking means for fixedly positioning the aiming screw in cylindrical supporting holes.

Choji (U.S. Pat. 5,381,313), **Suchiro et al.** (U.S. Pat. 5,508,896) and **Kusagaya** (U.S. Pat. 5,580,149) disclose various vehicle headlamps having aiming screws with crown gears as the operating member.

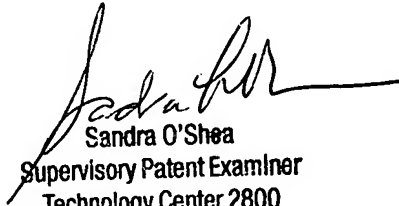
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negron whose telephone number is (703) 308-6086. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (703) 305-4939. The facsimile machine number for the Art Group is (703) 308-7382.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

Inr

March 20, 2003